

# ARIZONA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS OFFICE

## TITLE VI NONDISCRIMINATION PROGRAM

2022 IMPLEMENTATION PLAN



**John S. Halikowski**  
ADOT Director

**Scott Omer**  
Deputy Director/  
Chief Operating Officer

**Wendy Brazier**  
Chief Human Resources Officer

**Eddie Edison**  
Civil Rights Administrator

**Lucy Schrader**  
Deputy Civil Rights Administrator

If information is needed in another language, please contact ADOT's Civil Rights Office at (602) 712-8946. Si se necesita información en Español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al (602) 712-8946

**October 1, 2021**

This Title VI Implementation plan (IP) includes ADA and other protected classes outside of Title VI as protections within ADOT's Title VI Nondiscrimination Program, however the plan is designed to serve as standard operating procedures on how the ADOT Civil Rights Office (CRO) will ensure Title VI compliance and oversight throughout ADOT's Federal Highways Administration funded programs and activities. This document will be updated annually to reflect changes in law, administration, regulations, and/or policy. This document is intended to provide guidance to department personnel and other interested entities and is not intended to, does not and may not be relied upon to create any right or benefit enforceable by law by a party against the department.

For individuals with disabilities, this document will be made available upon request in alternate formats. To obtain a copy in an alternate format, please contact us through the methods listed below:

**Arizona Department of Transportation**  
**Felicia Beltran**  
**Title VI Nondiscrimination Program Coordinator**  
**206 S. 17th Avenue**  
**Phoenix, AZ 85007**  
**Phone:(602) 712-8946**  
**Email:[civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov)**

**A digital copy of this Plan can be found at:**

**<https://azdot.gov/title-vi-fhwa-implementation-plan-fy2022>**

## ARIZONA DEPARTMENT OF TRANSPORTATION OVERVIEW

---

The Arizona Department of Transportation (ADOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. Among many things, ADOT is responsible for planning, building, and operating a complex highway system. In addition, ADOT is responsible for building and maintaining bridges and the Grand Canyon Airport. Finally, a major component of ADOT also includes the Motor Vehicle Division (MVD), which provides title, registration, and driver license services to the general public throughout the state of Arizona.

ADOT is primarily funded by the people who drive or own private and commercial vehicles, purchase fuel, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration, and license fees to build and operate the state's transportation systems. About 80% of the money ADOT collects returns to the private sector in the form of paychecks and payment for transportation services and materials. In addition, ADOT is also annually awarded federal funds by the United States Department of Transportation (USDOT) including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), Federal Aviation Administration (FAA), and Federal Motor Carrier Safety Administration (FMCSA) to help support ADOT's agencies and programs, and their continued growth.

ADOT, with the support of USDOT, is proud to have created a transportation system that creates job opportunities through the planning, building, and maintenance of its projects and other innovative ideas. These projects, in turn, generate economic development and attract a varied workforce to join our community. ADOT consistently strives to successfully deliver a range of transportation projects through the efficient use of funds and the annual proposed budgets.

As a recipient of federal funds through USDOT, ADOT is held to a standard of nondiscrimination as further described in this document. These guidelines, identified as Title VI Nondiscrimination Implementation Program Plan (Title VI Plan), were developed in accordance with federal compliance guidelines. Furthermore, this Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

To request further information, please contact the Title VI Nondiscrimination Program Coordinator, Felicia Beltran, at (602) 712-8946.

## **TABLE OF CONTENTS**

<b>1. INTRODUCTION</b>	<b>6</b>
A. Policy Overview and Objectives	6
B. Standard DOT Title VI Assurances	7
C. Policy Statement	8
<b>2. ORGANIZATION AND STAFFING</b>	<b>11</b>
A. Staffing	11
B. Organization Chart	16
C. Civil Rights Office Organization Chart	17
<b>3. DISSEMINATION OF TITLE VI INFORMATION</b>	<b>17</b>
A. Title VI Implementation Plan	17
B. Title VI Notice to the Public/Posters and Brochures	18
C. ADOT's Public Involvement Plan	18
D. Title VI/ADA Discrimination Complaint Form and Procedures (English and Spanish)	18
E. ADOT's Limited English Proficiency Plan (LEP)	18
<b>4. PROGRAM AREAS, DATA COLLECTION, REPORTING, AND ANALYSIS</b>	<b>19</b>
I. Planning	20
II. Contracts and Finance	22
III. Environmental Planning	23
IV. Right of Way/Properties	25
V. Transportation System Management and Operations (TSMO)	25
VI. Communications: Community Relations	25
VII. Local Public Agencies Section (LPA)	26
VIII. Business Engagement and Compliance (BECO)	27
IX. Facilities Management (FMSG)	27
X. Project Management Group	27
<b>5. INTERNAL PROGRAM AREA REVIEWS</b>	<b>28</b>

<b>6. SUBRECIPIENT REVIEW PROCEDURES</b>	<b>30</b>
<b>7. TITLE VI TRAINING</b>	<b>33</b>
<b>8. COMPLAINT PROCEDURES</b>	<b>34</b>
<b>9. COMPLIANCE AND ENFORCEMENT PROCEDURES</b>	<b>37</b>
<b>A. Subrecipient Compliance Review Process - MPOs, COGs, CAs</b>	<b>37</b>
<b>B. Subrecipient Compliance Review Process - Local Public/Self-Administered         Agencies (LPAs)</b>	<b>39</b>
<b>10. LIMITED ENGLISH PROFICIENCY</b>	<b>40</b>
<b>11. ACRONYMS</b>	<b>46</b>
<b>12. AUTHORITIES</b>	<b>47</b>

# 1. INTRODUCTION

## A. Policy Overview and Objectives

In compliance with Title VI of the Civil Rights Act 1964 (Title VI) the Arizona Department of Transportation (ADOT) assures through its policies and procedures that no person shall on the grounds of race, color, or national be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT or ADOT sponsored program or activity. In addition to Title VI, ADOT's Title VI Nondiscrimination program extends protections under the following Nondiscrimination statutes: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), Section 504 of the Rehabilitation Act of 1973/ Americans with Disabilities Act of 1990 (disability), Airport and Airway Improvement Act of 1982 (49 U.S.C. 47123) (creed), Executive Order 12898 (Environmental Justice), and Executive Order 13166 (Limited English Proficiency). While ADOT receives funds from various sources, there is no distinction between the sources of funding. Questions about ADOT's Title VI Program may be directed to:

Civil Rights Title VI Program  
Attention: Felicia Beltran  
Title VI Nondiscrimination Program Coordinator  
206 S. 17th Avenue  
Phoenix, AZ 85007  
Email: [Fbeltran@azdot.gov](mailto:Fbeltran@azdot.gov)  
Phone: (602) 712-8946

Website: <http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program>

Title VI Nondiscrimination Program objectives:

- I. To be transparent with the public on ADOT's standard operating procedures to ensure nondiscrimination in all ADOT programs and activities.
- II. To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related nondiscrimination statutes.
- III. To assure that all participants and beneficiaries affected by ADOT's programs, projects, and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, creed, age, sex, disability, income status, or limited English proficiency.
- IV. To bring awareness to all ADOT employees, including consultants and contractors performing work on behalf of ADOT of their roles and responsibilities to ensure nondiscrimination in all ADOT programs, services, and activities, regardless of funding source.
- V. To establish procedures for identifying and eliminating discrimination when found to exist.
- VI. To establish ADOT processes for conducting Title VI internal program area reviews and subrecipients reviews to determine effectiveness of the area's compliance activities at all levels.
- VII. To establish ADOT compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients.

- VIII. To describe the procedures for processing complaints by persons who believe that they have been subjected to discrimination under Title VI in any ADOT service, program, or activity, to include programs administered by ADOT subrecipients.

### **B. Standard DOT Title VI Assurances**

ADOT's Director is required to sign Standard DOT Title VI Assurances in accordance with USDOT 1050.2A. A copy of ADOT's signed Standard Assurances may be found by clicking the link below:

<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>

## C. Policy Statement

### **TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA)** **NONDISCRIMINATION POLICY STATEMENT**

The Arizona Department of Transportation (ADOT), as policy, assures nondiscrimination compliance on the grounds of race, color, national origin and disability as provided by Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act, Americans with Disabilities Act of 1990 (ADA), Title II of the ADA, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), and the Code of Federal Regulations 49 § 21, and Code of Federal Regulations 23 § 200.

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. ADOT's subrecipients, grant recipients, contractors and entities authorized to conduct business on behalf of the agency must also comply with this policy.

The ADOT Civil Rights Office and program areas will work closely to implement their mutual Title VI and ADA nondiscrimination program responsibilities. Furthermore, each program area will work to discern and limit the adverse effects of its programs and activities on the health, safety or economics of minority and low income populations. Each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all ADOT programs and activities.

The Director signs assurances and delegates full authority to the ADA/Title VI Nondiscrimination Program Coordinators and the Civil Rights Office to oversee and implement ADA and Title VI regulations.

DocuSigned by:  
  
7EB3155ED07044C

John Halikowski

Director

9/28/2021

Date



**TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA)**  
**DELEGATION OF AUTHORITY**

**SUMMARY:** Through this notice, the Director delegates all compliance authority for the Arizona Department of Transportation's Title VI Nondiscrimination Program and the Americans with Disabilities Act Program to the Title VI and ADA Nondiscrimination Program Coordinators. The Title VI and ADA Nondiscrimination Program Coordinators report to the Deputy Civil Rights Administrator who reports to the Civil Rights Administrator.

**DATE:** Effective upon signature

**FOR FURTHER INFORMATION CONTACT:** Felicia Beltran, Title VI Nondiscrimination Program Coordinator, 206 S. 17<sup>th</sup> Ave. Rm 183 MD 155A Phoenix, AZ 85007, 602-712-8946, [fbeltran@azdot.gov](mailto:fbeltran@azdot.gov).

**Section A. Authority Delegated**

1. The Deputy Civil Rights Administrator is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and ADA Nondiscrimination programs including providing direction and oversight for Civil Rights administrative services, setting departmental administrative policy, and effectively managing program staff.
2. In addition to what is described above, the Deputy Civil Rights Administrator is hereby delegated authority to carry out the following responsibilities:
  - a. Provide guidance to leadership and management regarding all Title VI and ADA responsibilities. This includes identifying facility-related priorities, developing plans, and providing directives for improving nondiscrimination conditions for ADOT employees, customers, and stakeholders.
  - b. Provide ADOT departments and field office staff with Title VI and ADA program responsibilities. This includes Title VI liaison responsibilities for employees designated or identified by ADOT Leadership. Liaisons will be used for the delivery and oversight of Title VI and ADA Program duties.
  - c. The Deputy Civil Rights Administrator has full authority to review policies and/or programs developed, administered and/or managed by ADOT to detect possible conflicts with the Title VI and ADA program federal requirements. The Deputy Civil Rights Administrator will perform any such additional duties as may be assigned to by the Civil Rights Administrator by applicable law(s) or regulation(s).
  - d. The Deputy Civil Rights Administrator will meet with the Director on a quarterly basis, or as needed, to provide guidance on the strengths and weaknesses of the agency's efforts to meet Federal and State compliance requirements.

**TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA)**  
**DELEGATION OF AUTHORITY**

**Section B. Authority to Re-delegate**

1. The Deputy Civil Rights Administrator may re-delegate any of the authority delegated under Section A above.

**Section C. Authority Excepted**

1. The authority delegated in this document does not include the authority to sue or be sued or issue a waiver of Federal law or regulations.

**Section D. Statutory/Regulation Authorities**

During the performance of duties, the Title VI Nondiscrimination Program Coordinator will comply with the following nondiscrimination statutes and authorities, including but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) and 49 CFR § 21;
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601);
3. Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);
4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.) and 49 CFR § 27;
5. The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);
6. Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended;
7. The Civil Rights Restoration Act of 1987 (PL 100-209);
8. Title II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189); 49 C.F.R. § 37 and § 38;
9. The Federal Aviation Administration's Nondiscrimination Statute (49 U.S.C. § 47123);
10. FMCSA Title VI/Nondiscrimination Regulation 49 C.F.R. § 303;
11. Executive Order 12898;
12. Executive Order 13166 (70 Fed. Reg. et 74087 to 74100);
13. Title IX of the Education Amendments of 1972 (20 U.S.C. 1987 et seq.).

**Arizona Department of Transportation**

DocuSigned by:  
  
7EB3455ED0704AC...

**John S. Halikowski,**

**Arizona Department of Transportation- Director**

**DATED** 9/28/2021

## 2. ORGANIZATION AND STAFFING

### A. Staffing

#### **ADOT Director**

The Director is responsible for supervising and administering the overall activities of the department, its divisions and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. Duties or powers are delegated to carry out the efficient operation of the department.

#### **Civil Rights Administrator**

The Civil Rights Administrator reports to the ADOT Director through the Chief Human Resources Officer. The Administrator's program oversight includes the following: Title VI/Nondiscrimination; Employee Nondiscrimination (Title VII); Affirmative Action; Contractor Compliance; and the Americans with Disabilities Act (ADA) Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the Deputy Civil Rights Administrator.

#### **Deputy Civil Rights Administrator**

The Deputy Civil Rights Administrator reports to the Civil Rights Administrator. The Deputy oversees program oversight of the following: Title VI/Nondiscrimination; Employee Nondiscrimination (Title VII); Affirmative Action; Contractor Compliance; and the Americans with Disabilities Act (ADA) Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the ADA/Title VI Nondiscrimination Program Coordinators.

#### **Title VI/ADA Nondiscrimination Program Coordinators**

The Title VI/ADA Nondiscrimination Program Coordinators report to the Deputy Civil Rights Administrator. The Title VI/ADA Nondiscrimination Program Coordinators' oversight includes both the day-to-day implementation of the Title VI Nondiscrimination Program as well as the External ADA Program implementation. The Title VI/ADA Nondiscrimination Program Coordinators are the department experts whose responsibilities include:

1. Delegated authority to have a direct line of communication to the ADOT Director.
2. Providing guidance and technical assistance on Title VI matters with overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
  - b. Collecting statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of ADOT programs;
  - c. Identifying and eliminating discrimination when found to exist.

3. Ensuring the Title VI Assurances are signed by the current ADOT Director.
4. Complying with ADOT's procedures to investigate Title VI complaints filed with ADOT against its subrecipients; investigate and address complaints filed against ADOT under non-FHWA funded programs.
5. Forwarding all FHWA-related discrimination Title VI complaints filed with ADOT against ADOT or its subrecipients to the FHWA Arizona Division Office.
6. Conducting Title VI reviews of program areas: Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning, Business Engagement and Compliance, Project Management and Facilities.
7. Regularly reviewing ADOT program directives in coordination with State Program officials, and where applicable, including Title VI and related requirements. ADOT's Title VI Nondiscrimination Program Coordinator will meet this requirement through review of quarterly Liaison reports, which require reporting any proposed program directives. When it is determined that directives have Title VI implications, the Title VI Program Nondiscrimination Coordinator will work with the program area liaison and program area management to develop recommendations to ensure compliance is achieved.
8. Conducting and coordinating Title VI training for ADOT.
9. Preparing and submitting an annual Title VI Implementation Plan and Title VI report of accomplishments for the past year and goals for next year to FHWA.
10. Updating the Title VI program plans as necessary and submitting to Department of Transportation authorities such as FHWA, FAA, FTA, FMCSA, and NHTSA.
11. Developing Title VI information for distribution to the general public in other languages, as needed.
12. Monitoring public participation and awareness of Title VI policies and procedures for their effectiveness in reaching the public.
13. Developing and overseeing implementation of ADOT's Limited English Proficiency Plan.
14. Monitoring the review of National Environmental Policy Act (NEPA) documents to ensure compliance with Environmental Justice Executive Order 12898, Limited English Proficiency Executive Order 13166 and Title VI.

### **Title VI Nondiscrimination Program Manager**

The Title VI Nondiscrimination Program Manager reports to the Title VI Nondiscrimination Coordinator. The Title VI Nondiscrimination Program Manager works to assist the Title VI Nondiscrimination Coordinator in their review and responsibilities over all aspects of the Title VI program. In particular, the Title VI Nondiscrimination Program Manager has the delegated task to focus on internal and external Title VI responsibilities and oversee the Civil Rights Specialists to ensure the day to day compliance with ADOT's IP. The Title VI Nondiscrimination Program Manager's duties include, but will not be limited to:

1. Providing guidance on Title VI matters for subrecipients and overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within 90 days;
  - b. Ensuring subrecipients develop procedures for the collection of statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of federal aid programs;
  - c. Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance;
  - d. Identifying and eliminating discrimination when found to exist.
2. Ensuring the Title VI Assurances are signed by all subrecipients.
3. Complying with ADOT's procedures to investigate and address non-FHWA funded program Title VI complaints filed with ADOT against its subrecipients.
4. Assist in the updates to the Title VI program plans as necessary for DOT authorities such as; FHWA, FAA, FTA, FMCSA, and NHTSA.
5. Assist in conducting Title VI reviews and training of program areas: Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning, Business Engagement and Compliance, Project Management and Facilities.
6. Assist in conducting subrecipient annual reviews based on a high risk/low risk assessment.
7. Assist in conducting Title VI training and technical assistance for subrecipients.
8. Complying with federal standards to ensure proper implementation of subrecipients' Limited English Proficiency plans.
9. Providing technical assistance, resources and best practices for aiding subrecipient compliance including providing data collection resources, training, and workgroups.
10. Assist the EJ Program and other CRO compliance programs.

### **Environmental Justice (EJ) Nondiscrimination Program Manager**

The EJ Program Manager reports to the Title VI Nondiscrimination Coordinator. The EJ Program Manager works to assist the Title VI Nondiscrimination Coordinator in their review and responsibilities over all aspects of the EJ compliance and oversight program. The EJ Program Manager also oversees a Civil Rights Specialist to ensure day to day EJ compliance within the program. The EJ Program Manager's duties include, but will not be limited to:

1. Compliance and oversight of Title VI, EJ and Limited English Proficiency (LEP) requirements under ADOT's FHWA NEPA Category Exclusions Assignment (23 U.S.C. 326) and (23 U.S.C. 327)

Assignment which includes all Environmental Impact Statements (EIS), Environmental Assessments (EA) and Categorical Exclusions (CE).

2. Compliance and oversight of Title VI, EJ and LEP requirements for all NEPA projects under all other DOT authorities such as FAA, FTA, FMCSA, and NHTSA.
3. EJ, Title VI and LEP compliance oversight for all NEPA project-related Public Involvement activities and materials.
4. Participates in project meetings as a member of ADOT project teams.
5. Attends ADOT public meetings or hearings to ensure EJ, Title VI and LEP compliance.
6. Creates and conducts EJ training to internal program areas and provides technical assistance on a case by case basis.
7. Collects demographic information and conducts EJ, Title VI and LEP analysis on all ADOT projects and activities in order to review proposed impacts on low-income and or minority communities, potential Title VI disparate impacts and assesses national origin (LEP) engagement and services provided.
8. Complies with ADOT's procedures to investigate and address non-FHWA funded program Title VI complaints filed with ADOT against its subrecipients.
9. Provides guidance on integrating EJ principles into all ADOT programs, as needed.
10. Assists the Title VI Nondiscrimination Program and other CRO compliance programs.

### **Civil Rights Specialists**

The Civil Rights Specialists are responsible for the day-to-day implementation of ADOT's IP and for ensuring compliance with the provisions of Title VI and other nondiscrimination authorities, including Executives Orders for Environmental Justice (EJ) and Limited English Proficiency (LEP). The Civil Rights Specialists' duties include, but will not be limited to the following:

1. Assist in and prepare the annual Title VI Accomplishment Report.
2. Assist in and prepare the Title VI Implementation Plan.
3. Coordinate activities related to the effective and efficient implementation of ADOT's Title VI Program.
4. Assist in develop of procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination promptly under non-FHWA funded programs.
5. Provide Title VI technical assistance, guidance, and training to ADOT staff, subrecipients, state officials, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal-aid highway funds.
6. Develop procedures for collecting statistical data on race, color, and national origin for participants and beneficiaries of the state highway program.
7. Develop and publish Title VI information for dissemination to the general public and where appropriate ensure that the information is available in languages other than English.
8. Conduct Title VI annual reviews of all appropriate internal program areas, subrecipients, consultants, contractors, and other recipients of ADOT funds.
9. Develop and oversee processes for obtaining public input, particularly in minority and traditionally underserved areas.

10. Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
11. Attend ADOT public meetings or hearings.
12. Assist in the review of NEPA documents to identify and address social, economic and environmental effects and impacts.
13. Review contractual procedures for consultants and contractors to ensure equity, consistency and that required Title VI contract provisions are included.
14. Provide Title VI, LEP and EJ technical assistance on ADOT multidisciplinary project teams.

### **Title VI Liaison Program and Roles**

To ensure compliance with Title VI throughout ADOT, ADOT has established a Title VI Liaison Program. The program's purpose is to ensure all ADOT policies, directives, and practices are compliant with federal statutes, agency guidelines and regulations for FHWA Title VI. ADOT Title VI Liaisons (Liaisons) have been established within the following program areas:

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| • Community Relations             | • Procurement                        |
| • Engineering Consultants Section | • Local Public Agency                |
| • Contracts and Specifications    | • Right of Way/Properties            |
| • Environmental Planning          | • Public Private Partnership (P3)    |
| • Planning and Programming        | • Business Engagement and Compliance |
| • Research Center                 | • Facilities Management              |
| • Construction                    | • Project Management                 |

The Liaison Program consists of one or more Liaisons for each program area. The Liaisons' role is to work with the Title VI Nondiscrimination Program Managers and Civil Rights Specialists to ensure their respective areas, programs, and subrecipients comply with Title VI processes as stated within the IP. The Liaison also serves as the point of contact between the CRO and program areas when Title VI internal program area reviews are initiated by CRO. The Liaisons also assist their program areas with Title VI technical guidance and best practices. The Liaisons meet on a quarterly basis to receive CRO conducted Title VI training on all components within ADOT's Nondiscrimination Program.

### **Quarterly Title VI Liaison Report Contents:**

The following are the general Title VI activities reported to CRO by all Title VI liaisons:

- On a project-by-project basis a description of the service area demographics, including the sources of data collected e.g. U.S. Census or EJ Screen etc.;
- How Title VI information was disseminated to the public;
- Efforts made to minimize and mitigate discrimination;
- Include DOT Four Factor Analyses conducted, including sources of data collected e.g. U.S. Census or EJ Screen etc.;
- The number of requests for LEP services and those provided;

- A description of any discrimination-related complaints received;
- Any proposed changes to policies or directives;
- Title VI training attended by program area staff or requests for training by CRO.

The quarterly data submitted by Liaisons also assists the CRO in the development of ADOT's Annual Goals and Accomplishment Report submitted to FHWA. Some Liaisons provide a supplemental document to their Quarterly Report with demographic data collection specific to the participants in and beneficiaries of their programs to be analyzed by the CRO. Specific demographic data collected and analyzed from each program is discussed under **Program Areas, Data Collection, Reporting, Analysis** located in section four of this IP.

On a quarterly basis the CRO reviews and evaluates the data reported to identify potential disparate patterns. Demographic data collected and analyzed from quarterly reports is also a factor used in a high/low risk assessment to prioritize and identify program areas for comprehensive onsite compliance reviews.

## **B. Organization Chart**

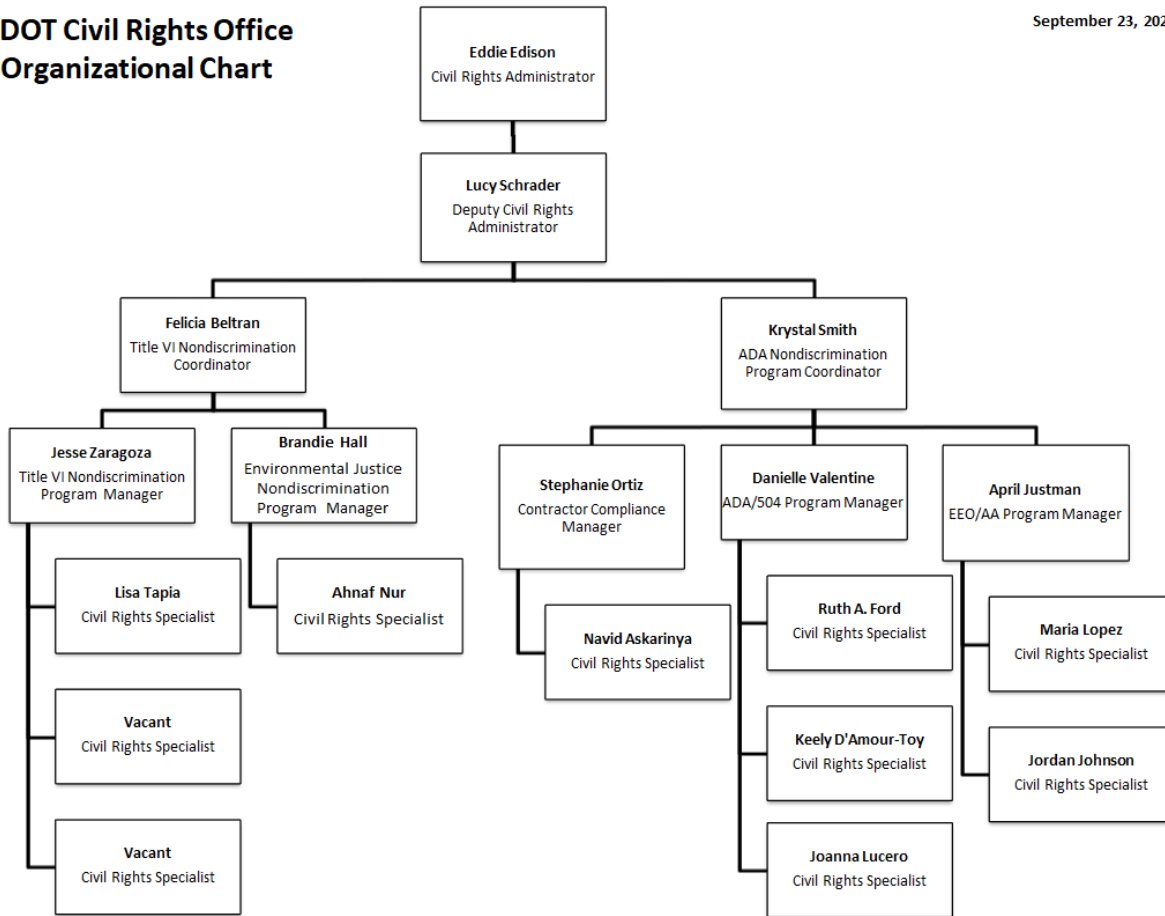
<https://azdot.gov/about/inside-adot/organization-chart>



## C. Civil Rights Office Organization Chart

### ADOT Civil Rights Office Organizational Chart

September 23, 2021



## 3. DISSEMINATION OF TITLE VI INFORMATION

ADOT's website is designed to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a discrimination complaint. Title VI information available on ADOT's website includes:

### A. Title VI Implementation Plan

ADOT's Title VI Implementation Plan is available on ADOT's website:

<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>.

## **B. Title VI Notice to the Public/Posters and Brochures**

ADOT posters, brochures, and self-identification survey cards will be made accessible at every public hearing and meeting. These Title VI program posters and brochures are available in English and Spanish, and other languages, as needed. ADOT's Title VI Notice to the Public posters are visibly posted in areas accessible to the Public in all ADOT buildings, statewide.

ADOT's Notice to the Public and Title VI brochures are also available on ADOT's website:

<https://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>.

## **C. ADOT's Public Involvement Plan**

The ADOT Public Involvement Plan (PIP) provides guidelines, techniques, and examples that ADOT will use to interact with the public throughout transportation planning and during construction, operation, and maintenance. The PIP will also demonstrate how ADOT will engage people of all races, cultures, and minority and low-income populations in the transportation decision-making process. The plan is intended for use by ADOT staff, ADOT consultants, and any other entities conducting public involvement on behalf of ADOT. ADOT's PIP will continue to evolve in alignment with innovative and effective best practices and/or new statutes governing public involvement, and will be evaluated annually by ADOT Communications for compliance with federal requirements and best practices.

ADOT's PIP is available on ADOT's website:

<https://www.azdot.gov/planning/transportation-planning/public-involvement-plan>.

## **D. Title VI/ADA Discrimination Complaint Form and Procedures (English and Spanish)**

ADOT's Title VI/ADA Discrimination Complaint form and Procedures are available on ADOT's website:

<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-complaint>.

## **E. ADOT's Limited English Proficiency Plan (LEP)**

ADOT's LEP Plan sets forth the compliance standards on how to identify language needs for those with limited English proficiency, and provides staff resources on how to provide services to persons who are LEP in order to ensure meaningful access to all areas of ADOT's programs, services, and activities. LEP is a term used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. ADOT's LEP Plan is designed to comply with Title VI and EO 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.

ADOT's LEP Plan is available on ADOT's website:

<https://azdot.gov/sites/default/files/2019/05/limited-english-proficiency-plan.pdf>

## 4. PROGRAM AREAS, DATA COLLECTION, REPORTING, AND ANALYSIS

ADOT's comprehensive transportation program strives to examine diverse, integrated transportation options for moving people and goods to create jobs and deliver economic and quality-of-life benefits for Arizona residents and businesses. ADOT is required by federal regulation to collect statistical data on the race, color, national origin, sex and disability of participants in and of beneficiaries of its programs. ADOT CRO staff works with Title VI Liaisons/program area staff on collecting and analyzing demographic data. Demographic data collection efforts specific to each program area are collected through the Quarterly Reports and Meeting Summaries, which are then compiled and reported on an annual basis in ADOT's Goals and Accomplishment Report. Demographic data collection and analysis will also aid in any future procedural updates to the IP and assist in compliance reviews to ensure nondiscrimination in the delivery of ADOT's programs, services and activities. The following includes demographic data collection, reporting, analysis by ADOT program areas.

### Public Involvement

The cornerstone of Title VI compliance in all ADOT programs is outreach and public involvement. ADOT has a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities to ensure that project selection or impacts do not subject populations to disparate, adverse effects based on race, color, income level, or national origin (LEP). CRO staff periodically attend ADOT public meetings and hearings to ensure Title VI dissemination and that public involvement activities are conducted in compliance with ADOT's PIP and LEP Plan.

Various program areas within ADOT convene public meetings or events in which the public is invited to participate. The following are procedures applicable to all ADOT program areas to ensure Title VI compliance in public involvement.

All ADOT program areas that convene a public meeting or hearing must submit to CRO a Title VI Meeting summary within two weeks of the hosted event.

### Title VI Meeting Summary Contents:

- Name/Purpose of Meeting
- Date/Location and Summary of Meeting
- Number of attendees
- Accommodation requests for LEP and ADA
- Self-ID cards return with breakdown of race for attendees/meeting participants
- Provide copies of meeting notices advertised
- Complaints received
- Identification of EJ populations
- Demographic data collected and sources
- Photo of the Title VI display and sign in sheet (Title VI brochures, Nondiscrimination Poster, self-ID cards)
- Evidence of usage of virtual voluntary Title VI self-ID cards
- Submission of recorded Live stream presentations with telephonic options
- Evidence of the Notice to the Public embedded into presentations as a slide

Once a Title VI Meeting summary is submitted to the CRO, the CRO submits a Title VI Meeting summary report back to the program area.

**Title VI Meeting Summary Report Contents:**

- Data is used to compare meeting attendee demographics with the demography of the state or project area;
- Compliance efforts with ADOT's PIP;
- Project flyers and other public facing collateral contain ADOT's Title VI nondiscrimination language;
- Review LEP efforts for compliance with ADOT's LEP Plan;
- Review media outlets and networks used to ensure access to traditionally underserved populations and LEP persons;
- Review the accessibility of meeting locations and meeting times for potential barriers to participation;
- Confirm demographic data collection resources such as, U.S. Census, school districts, forms or surveys, GIS systems, etc.;
- Data reported through self-ID cards or staff racial estimation is representative of the demography of the state and/or areas affected;
- If applicable; ensure the required Title VI, EJ and LEP in-person meeting requirements were included for any virtual public meeting.

The CRO Title VI Meeting summary report also includes recommendations, best practices related to public involvement activities (in-person or virtual) and methods to increase participation of those populations traditionally underserved.

## **I. Planning**

### **Planning and Programming**

---

All highway and transit projects in the state, funded under Title 23 and the Federal Transit Act, must be included in a federally approved State Transportation Improvement Plan (STIP). Projects in the STIP must be consistent with the statewide long-range transportation plan and metropolitan transportation improvement programs (TIPs). The program must reflect expected funding and priorities for programming, including transportation enhancements.

Further information regarding the STIP can be found at:

<https://azdot.gov/planning/transportation-programming/state-transportation-improvement-program-stip>

ADOT's planning efforts include developing a Five-Year Transportation Facilities Construction Program. ADOT's Five-Year Program is a lineup of projects that is revised annually. It serves as a blueprint for future projects and designates how much local, state and federal funding is allocated for those projects. The Five-Year Program covers the construction budget for highways, transit, airports and highway-support facilities. The program focuses on multimodal forms of transportation. Funding for the Five-Year Program is generated by the users of transportation services, such as through the gasoline tax and the vehicle license tax.

An extensive state-wide public involvement process is conducted for both the STIP and Five-Year Program to include public review, collection of comments and public hearings. All public involvement is done in compliance with Title VI requirements as stipulated in ADOT's PIP, LEP Plan and as previously discussed under Public Involvement.

As part of the Statewide Planning Process for outreach, Transportation Planning Specialists work with CRO and Community Relations staff to develop public outreach plans. In this partnership for outreach efforts for the STIP and Five-Year Program, CRO staff analyze proposed outreach efforts using demographic maps that include income levels, racial makeup and LEP data from the U.S. Census at tract level. CRO analyzes this demographic data to evaluate outreach planned and to provide feedback to the Planning Specialists, should any potential disparities exist. This feedback is then considered by Planning Specialists in the planning of future outreach activities. Additionally, demographic data (race and sex) is collected through self-identification cards at public meetings by Community Relations and is reported via meeting summaries to CRO within two weeks after a public meeting. The CRO then conducts a disparate impact analysis based on race by comparing the demography of the State against participants at the public meetings. If the demographic data assessed by CRO appears to have potential disparate impacts based on race, the CRO works with Community Relations to identify possible additional outreach efforts that may be needed to ensure continued compliance with ADOT's Title VI and LEP Plans and to avoid potential inequities based on race.

Further information regarding community and stakeholder involvement in the planning and programming phase can be found at:

<https://azdot.gov/planning/transportation-programming>

## **Construction and Materials**

---

The Construction and Materials Group provides support to help districts with managing their construction projects. Including, providing construction administrative services to supplement the workforce with temporary technicians, construction administrative services and material testing assistance; conducting independent review of workmanship, materials and documentation; providing training for construction and lab technicians; maintaining instructional guides for construction methods and procedures; providing the services of a registered landscape architect; and processing monthly pay estimates, quantity documentation and subcontractor approvals.

The Construction group submits quarterly reports to CRO of all construction activities. The CRO overlays construction activity locations on a demographic map that identifies the race of the population in these areas. The CRO then analyzes for potential disparate impacts based on race to further assess equity of pedestrian access or traffic control compared to the demographics of the project area. Also, mitigation commitments made during environmental studies for construction are provided to the Construction group by the Environmental Planning program area, these environmental mitigation requirements are also reported on a quarterly basis to CRO by the Construction group. CRO reviews mitigation commitments reported by the Construction group to ensure that they are executed, specifically when impacts may affect minority populations.

Further program information can be found at:

<https://azdot.gov/business/engineering-and-construction/construction-and-materials>

## Research Center

---

Projects administered by the Research Center focus on research that can be applied to improve ADOT processes and products. Research projects address the full range of topics of interest to the department. Projects are funded by the Federal Highway Administration (FHWA) State Planning and Research Program. Projects are managed by Research Center staff and conducted in partnership with the public and private sectors and university investigators under contract with ADOT. Research results are documented in reports that must adhere to the Research Center's Specifications for Preparing Research Reports. The reports are catalogued by the ADOT library and are available [online](#). Any studies that involve the public's participation follow Title VI requirements as stipulated in ADOT's PIP and LEP Plan. For example a LEP Four Factor Analysis is conducted to determine what languages the survey should be created in and or the type of interpreters that may be needed during the study.

On a quarterly basis if applicable, the Research Center reports to the CRO any LEP Four Factor Analyses conducted, outreach efforts, and provides samples of public advertisements related to research reports conducted. CRO reviews the LEP Four Factor Analyses to ensure results are accurate, that alternative communication messages were available as per the results of the Analyses, and that there were no disparate impacts based on race, color, or national origin in the outreach conducted and research processes. All research reports include Title VI Nondiscrimination language as part of a standard research template. When the Research Center conducts surveys of its participants for research reports demographic data (race and sex) is requested from survey respondents. The Research Center sends survey demographic data to the CRO on a quarterly basis. In these instances CRO analyzes this data for disparate impacts based on race and sex of respondents and to ensure equitable participation access has been afforded to all potential research participants.

Further program information can be found at:  
<https://azdot.gov/planning/research-center>

## II. Contracts and Finance

### Procurement

---

This group is responsible for the expenditure of the public monies, including federal assistance monies, allocated to ADOT each year in support of ADOT management and operations. These funds must be processed in accordance with the Arizona Procurement Code. This responsibility and authority is delegated to the Chief Procurement Officer and, subsequently, to this group, based upon appropriate training, expertise, knowledge and past experience with a state government unit. The Procurement is responsible to ensure that all ADOT contracts, agreements, and solicitations contain Title VI required language in accordance with DOT Order 1050.2A.

Demographic data (race and sex) on contract selection and awards is reported to the CRO on a quarterly basis, the data is collected by Procurement through the Arizona Procurement Portal. The CRO reviews this data to assess nondiscrimination in the selection and award process based on the race and sex of all proposers compared to the selectees to identify potential trends of disparate impacts. On a weekly basis CRO conducts contract compliance reviews for Title VI required language in accordance with DOT Order 1050.2A, by accessing the Procurement Portal where all contracts are housed. Also, on a weekly basis

CRO conducts compliance reviews to ensure that the required Title VI notification language and text to request language services is included in all solicitations for bids, including RFQs, RFPs etc.

Further program information can be found at:

<https://azdot.gov/business/procurement>

## **Engineering Consultants Section and Contracts and Specifications**

---

ADOT's Engineering Consultants Section (ECS) is responsible for prescribing and administering procedures for managing ADOT's professional services contracts which are exempt from the State Procurement Code (ARS 41-2501). It is ECS's responsibility to ensure these procedures and the administration of the contracts are compliant with applicable State and Federal regulations. The ECS is responsible to ensure that all ADOT contracts, agreements and solicitations contain Title VI required language in accordance with DOT Order 1050.2A.

Demographic data (race and sex) on contract selection and awards is reported to the CRO on a quarterly basis, the data is collected by ECS from AZ UTRACS. The CRO reviews this data to assess nondiscrimination in the selection and award process based on the race and sex of all proposers compared to the selectees to identify potential trends of disparate impacts. On a weekly basis CRO conducts contract compliance reviews for Title VI required language in accordance with DOT Order 1050.2A, by accessing AZ UTRACS where all contracts are housed. Also, on a weekly basis CRO conducts compliance reviews to ensure that the required Title VI notification language and text to request language services is included in all solicitations for bids, including RFQs, RFPs etc. ADOT Contract Advertisements are posted on the ECS website ([Link](#)) with a Google translate option for alternate language formats.

Further program information can be found at:

<https://azdot.gov/business/engineering-consultants>

The Contracts and Specifications (CNS) program is responsible for advertising and administering procedures for ADOT construction contracts in compliance with State and Federal regulations. Current ADOT Advertisements and Future Projects are posted on the CNS website ([Link](#)) with a Google translate option for alternate language formats. The CNS program area is dedicated to ensuring nondiscrimination in the prequalification process for contractors and to ensure that all ADOT contracts, agreements and solicitations contain Title VI required language in accordance with DOT Order 1050.2A.

Demographic data (race and sex) on contract selection and awards is reported to the CRO on a quarterly basis, the data is collected by CNS from AZ UTRACS. The CRO reviews this data to assess nondiscrimination in the selection and award process based on the race and sex of all proposers compared to the selectees to identify potential trends of disparate impacts. On a weekly basis CRO conducts contract compliance reviews for Title VI required language in accordance with DOT Order 1050.2A, by accessing the AZ UTRACS portal where all contracts are housed. Also, on a weekly basis CRO conducts compliance reviews to ensure that the required Title VI notification language and text to request language services is included in all solicitations for bids, including RFQs, RFPs etc.

Further program information can be found at:

<https://azdot.gov/business/contracts-and-specifications>

### III. Environmental Planning

---

Environmental Planning (EP) oversees all environmental programs within ADOT. This group ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of ADOT projects. As far as Title VI goes, EP is responsible for ensuring public participation and that non-discrimination occurs throughout the entire environmental review process from Project Scoping to approval of the decision document (i.e. Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD)).

ADOT has assumed FHWA responsibility for carrying out environmental approvals under the following programs concurrently: Categorical Exclusions (23 USC 326) and the Surface Transportation Project Delivery Program (23 USC 327). With this assignment of federal environmental review responsibility, EP is responsible for complying with all applicable federal environmental laws, regulations, Executive Orders and policies, and is solely legally responsible for environmental decisions made on all ADOT federal-aid highway projects. In 1994, EO 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations, was issued. EO 12898 emphasized a federal agency's responsibility to make EJ a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, EJ, and safety.

Under NEPA Assignment an Environmental Planner sends a draft copy of all unlisted Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements to the ADOT Civil Rights Office to conduct a compliance review for Title VI, EJ, and LEP.

Further program information on how EP complies with Title VI and EJ can be found at:

<https://azdot.gov/business/environmental-planning/guidance-federal-aid-projects/title-vi-and-environmental-justice>

The CRO has assumed compliance oversight responsibilities on Title VI, LEP and EJ compliance in NEPA documents. EP collects and analyzes demographic data that includes, race, sex, national origin (LEP) income, minority status, and age as part of their NEPA analysis in defining the affected environment of projects. ADOT's process for identifying possibly disproportionately high and adverse effects on minority and/low income populations is described on Environmental Planning's web page ([Link](#)). EP reports to CRO a listing of all active Individual Categorical Exclusions (CE), Environmental Assessments (EA) and Environmental Impact Statements (EIS) reports for review monthly, and publishes a quarterly report of Listed CEs.

For Title VI compliance on NEPA projects CRO conducts reviews of CE, EA, and EIS that are provided by EP on a project-by-project basis to include all Public Involvement activities, in accordance with ADOT's NEPA Assignment. CRO analyzes the Race and LEP (national origin) demographics for the project area to ensure there is a citation of sources e.g. U.S. Census, American Community Survey etc. for the demographic data included and that the appropriate unit of measurement e.g. census tracts was used to effectively determine possible disparate impacts. Additionally, CRO also analyzes NEPA documents to ensure that the analysis conducted accurately indicates whether effects to a specific race are beneficial, adverse, or would potentially cause a disparate impact based on race and that potential mitigation efforts are



proposed. As part of the NEPA review process EP sends CRO on a project-by-project basis project related public involvement collateral, PIPs and other study material. CRO analyzes all proposed outreach collateral for Title VI compliance with ADOT's PIP and LEP Plan by considering language needs and ensuring the public is aware of their rights under Title VI. Additionally, Community Relations staff collect demographic information (race) from attendees at public meetings using self-identification survey cards and report this demographic data to CRO two weeks after public meeting events. The CRO then analyzes the demographic data to ensure that representation of the races within the study area is equitable and then provides Community Relations feedback based on the data analyzed with recommendations for improvement if applicable to avoid racial disparities.

Further program information can be found at:

<https://azdot.gov/business/environmental-planning/contact-environmental-planning>

#### **IV. Right of Way/Properties**

---

The Right of Way (ROW)/Properties group is the real estate organization for ADOT. The group's primary functions include development of State Transportation Board resolutions, ROW plans, appraisals, property acquisitions, condemnations, residential and business relocations, and property management. This program area ensures the equitable treatment of business and persons displaced by highway projects, regardless of race, color, or national origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended.

During the interview/intake process, ADOT ROW staff voluntarily collects demographic information and informs impacted persons of the reasons for collecting the demographic data. Additionally, ROW staff disseminates self-identification cards during consultations and at public events that include demographic information questions (race and sex) to all persons that may be impacted by ROW activities. ROW reports on a quarterly basis to CRO demographic information related to relocation and acquisition activities. Demographic data submitted based on race and sex is analyzed by CRO to assess demographics of relocatees and property acquisitions for potential disparities.

Further program information can be found at:

<https://azdot.gov/business/right-way-properties>

#### **V. Transportation System Management and Operations (TSMO)**

---

ADOT's Transportation System Management and Operations (TSMO) improve system efficiency, enhance public safety and security, reduce traffic delays of road users, and improve access to information for travelers, by implementing multimodal, intermodal, and often cross-jurisdictional systems, services and projects. In partnership with Community Relations; public notice of maintenance activities are also provided in alternative languages other than English.

TSMO reports to the CRO on a quarterly basis the location and type of maintenance activities conducted. The CRO then utilizes a Demographic Analysis Tool using U.S. Census data as an overlay of the reported maintenance locations to analyze for potential disparities based on race, color and national origin.

Further program information can be found at:

<https://azdot.gov/business/transportation-systems-management-and-operations-tsmo>

## **VI. Communications: Community Relations**

---

Community Relations oversees communication with the public, communities and counties about ADOT and the agency's transportation activities. The Government Relations office is responsible for informing and involving Arizona's elected officials and staff at the local, state and federal levels in ADOT's activities affecting their constituencies. The Public Information Office serves as the lead for all ADOT media campaigns, contacts and inquiries. The Communications Division is responsible for updating ADOT's PIP for compliance with federal requirements and best practices. Community Relations submits quarterly reports to the CRO of all public involvement activities conducted within their program. The CRO analyzes Community Relations quarterly reports by reviewing demographic data (race and sex) and outreach efforts to compare meeting attendees with the demography of the surrounding area of each activity. Additionally the CRO reviews information reported by Community Relations through PIPs to assess nondiscrimination in the public participation process, and ensures compliance with ADOT's PIP and LEP Plan. The CRO also coordinates with Community Relations when CRO staff attends public meetings hosted by this group to ensure Title VI compliance at ADOT public meetings.

Further program information can be found at:

<http://www.azdot.gov/media>, <http://azdot.gov/media/blog>, <http://www.azdot.gov/projects>

## **VII. Local Public Agencies Section (LPA)**

---

The purpose of the ADOT LPA Section is to provide guidance, assistance with project delivery and oversight to local public agencies such as counties, towns, cities and tribal governments within our state. The ADOT LPA Section will assist the project sponsor and project managers with delivery of federally funded local government projects, and will provide oversight and monitoring of federally funded local projects. The LPA Section links local government project planning with project development. The LPA Section also provides a "[Local Public Agency Project Manual](#)," which serves as a comprehensive monitoring and reporting document and identifies Title VI eligibility requirements, work activities, budget, schedule, and resources for the ADOT LPA Section's [O&M Work Plan](#).

The LPA Section also works with the eight Certification Acceptance agencies (CA) to ensure compliance requirements set forth by Federal Highway Administration (FHWA) when implementing the Federal Aid Highway Program (FAHP) in Arizona.

The CRO oversees Title VI compliance for the LPA Section of LPAs through CRO's External Program. CRO reports all LPA compliance reviews conducted to the LPA Section (see Section 6 Subrecipient Review Procedures). The LPA group also notifies CRO of any new Local Public/Self-Administered Agencies receiving Federal Highway Funds and whose projects are going to be constructed by ADOT to ensure the LPA has the required Title VI program requirements.

Further program information can be found at:

<https://azdot.gov/business/programs-and-partnerships/local-public-agency>

## **VIII. Business Engagement and Compliance (BECO)**

---

The Business Engagement and Compliance Office (BECO) is responsible for ensuring that ADOT, its subrecipients, contractors and consultants achieve full compliance with all applicable federal regulations related to disadvantaged and small business inclusion, equal and fair employment opportunity in contracting and on-the-job training for women and minorities in the construction trades by facilitating ADOT's good faith efforts to meet overall DBE participation goals.

On a quarterly basis; BECO submits CRO public involvement collateral materials such as notices for On-the-Job Training (OJT), other supportive services offered and notifications for DBE Disparity Studies when conducted. The CRO then reviews these materials for Civil Rights compliance with ADOT's PIP and LEP Plan. Additionally, BECO staff report to CRO collected demographic information (race and sex) from attendees at public meetings for CRO to analyze meeting attendee demographics against the demography of the project area, this data is reviewed for disparate impacts ensuring all members of the public regardless of race, color or national origin have the ability to participate in public meeting to ensure nondiscrimination. The program area also displays the Title VI Notice to the Public at public meetings, and incorporates Nondiscrimination language on all materials made available for the public.

Further program information can be found at:

<https://azdot.gov/business/business-engagement-and-compliance/about-beco>

## **IX. Facilities Management (FMSG)**

---

The Facilities Management and Support Group (FMSG) provides support for the agency in facilities design, construction, and maintenance, mailing services, self-service printing center, and engineering records administration in an efficient, economical, and courteous manner.

FMSG submits quarterly reports to the CRO which includes all public involvement activities conducted within their program. The CRO analyzes FMSG Quarterly Reports by reviewing demographic data (race and sex) and outreach efforts to compare meeting attendees with the demography of the surrounding area of each activity. Additionally, the CRO reviews information reported by FMSG to assess nondiscrimination in the public participation process, and ensures compliance with ADOT's PIP and LEP Plan.

Further program information can be found at:

<https://adotnet.az.gov/our-agency/administrative-services/facilities-management> (Currently this link is for internal use only)

## **X. Project Management Group**

---

The Project Management group develops safe and efficient transportation systems that meet the needs of customers through the planning, programming and designing of the Regional Transportation Plans and the State Highway System. Project Management Group provides quality project management services and management support information for the timely and cost-effective implementation of the ADOT Construction Program and Local Governments' Federal-Aid Transportation Programs.

Project Management Group submits quarterly reports to the CRO of all public involvement activities conducted within their program. The CRO analyzes Project Management Group's quarterly reports by reviewing demographic data (race and sex) and outreach efforts to compare meeting attendees with the demography of the surrounding area of each activity. Additionally, the CRO reviews information reported by the Project Management Group to assess nondiscrimination in the public participation process, and ensures compliance with ADOT's PIP and LEP Plan.

Further program information can be found at:

<https://azdot.gov/business/project-management-services/project-management-group>

## 5. INTERNAL PROGRAM AREA REVIEWS

ADOT's Title VI internal monitoring program is designed to reach at a minimum, the public facing DOT federal program areas on a yearly cycle. This means that each program area will undergo a high/low risk based assessment for compliance with Title VI at least once every three years.

ADOT must ensure that all of its programs and activities are operated in a nondiscriminatory manner. In order to monitor ADOT's Title VI compliance CRO reviews and analyzes quarterly reports and Title VI Meeting summaries submitted by program areas describing Title VI demographic data collection efforts and sources for demographic data collected for race, color, national origin and sex that is reported to CRO. Each program area also submits demographic data through quarterly reports and Title VI meeting summaries on outreach methods, compliance efforts with ADOT's Public Involvement Plan, Title VI dissemination, DOT LEP Four Factor Analysis results on a project-by-project basis, policy updates, Title VI training attended and complaints reported to CRO. Using a high/low risk assessment CRO staff will conduct comprehensive compliance reviews annually to:

1. Ensure compliance with Title VI.
2. Provide technical assistance and training in the program areas implementation of Title VI.
3. Correct deficiencies, when found to exist.

High/Low Risk Assessment for internal program reviews:

- Deficiencies on Quarterly Reports
- Deficiencies on Title VI Meeting Summaries
- Demographic data collection and analysis
- Quarterly meeting attendance by the Liaison
- Date of last program area training
- Complaints received

The comprehensive Title VI Onsite Compliance Review will follow the steps outlined below:

### **Notification**

1. Program areas will be notified by the CRO within the 30 calendar of the upcoming Title VI review using DocuSign email. The program area Title VI Liaison will assist in the coordination and participate in the onsite review process.
2. A week prior to the onsite review, a reminder will be sent using DocuSign email to discuss agenda, logistics, expectations of the onsite visit, and to request policies, procedures and sample documents for a pre onsite review-desk audit.

Once identified for a comprehensive Title VI Onsite Compliance Review, a letter will be sent via DocuSign to the Program Area's Director, Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Nondiscrimination Program Coordinator, Title VI Program Manager and the Title VI Liaison. The letter will state:

- Date for the Title VI Onsite Compliance Review, 35 calendar days following the date of the notice letter;
- Date for all internal policies, procedures and Title VI Onsite Questionnaire to be submitted to the CRO, no less than 30 calendar days from the date of the letter; and,
- Onsite Review Process.

Contents of Title VI Onsite Questionnaire submitted to CRO:

- Data collection methods;
- Sampling contracts to ensure inclusion of required nondiscrimination provisions
- Sampling of public involvement material including meeting notices, project flyers, and other public documents demonstrating LEP compliance.
- Environmental justice efforts towards project development;
- LEP efforts;
- Directive/Policy updates;
- Training efforts
- Title VI complaints if any were received by the program area;

## **Deficiencies**

If deficiencies are found:

1. Within 30 calendar days of the onsite review, deficiencies will be documented in a tailored report for the program area that will be provided to the Program Area Director, ADOT Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Nondiscrimination Program Coordinator, Title VI Program Manager, and the Title VI Liaison.
2. By expectation, the program area should correct all deficiencies within a reasonable time period, not to exceed 90 calendar days of receipt of the CRO findings report.
3. Within 30 calendar days of the CRO finding report, a meeting must be scheduled with CRO to discuss possible technical assistance and an action plan towards full compliance.
4. Outstanding high priority vital items, such as missing Title VI assurances in contracts, noncompliance with ADOT's Public Involvement Plan, will be submitted within 30 calendar days of report mailing.
5. The program area will be asked to submit a formal action plan within 45 calendar days of CRO's findings report.
6. Program Area training will be conducted.
7. Within 90 calendar days, the program area MUST be fully compliant on outstanding deficiencies.
8. If not compliant, ADOT CRO will elevate the issue to the ADOT Director.

### **No Deficiencies**

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 calendar days of onsite review along with a report of findings.
2. The report may still provide recommendations for strengthening the program area's Title VI Program.

### **Follow-up Monitoring**

CRO will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **6. SUBRECIPIENT REVIEW PROCEDURES**

ADOT subrecipients of FHWA funding include metropolitan planning organizations (MPO), councils of governments (COG), Certification Acceptance agencies (CA), and Local Public/Self-Administered Agencies (LPAs):

### Eight MPOs:

1. Central Yavapai MPO – CYMPO
2. MetroPlan Greater Flagstaff (formerly Flagstaff MPO or FMPO) – MetroPlan
3. Lake Havasu MPO – LHMPO
4. Maricopa Association of Governments (Phoenix metro area) – MAG
5. Pima Association of Governments (Tucson metro area) – PAG
6. Sierra Vista MPO – SVMPO
7. Sun Corridor MPO – SCMPO
8. Yuma MPO – YMPO

### Four COGs:

1. Central Arizona Association of Governments – CAG
2. Northern Arizona COG – NACOG
3. Southeastern Arizona Governments Organization – SEAGO
4. Western Arizona COG – WACOG

### Eight CAs:

1. City of Chandler
2. City of Mesa
3. City of Phoenix
4. City of Scottsdale
5. City of Tempe
6. City of Tucson
7. Maricopa County Department of Transportation
8. Pima County Department of Transportation

LPAs:

15 counties, approximately 90 cities and towns and 22 Indian tribes (21 reservations) have the potential to become ADOT FHWA LPA subrecipients.

## **Title VI Requirements for MPOs, COGs, and CA Agencies of Federal Highway Funds (FHWA)**

---

ADOT FHWA MPO, COG, and CA subrecipients must submit Title VI plans to the CRO for review, annually. Title VI Plans are evaluated for compliance by review of their submitted processes to implement policies and procedures prohibiting discrimination, including, but not limited to the following:

**1. Title VI Nondiscrimination Statement of Policy, including:**

- a) Express commitment to Title VI nondiscrimination program;
- b) Specific programs and activities covered by Title VI;
- c) A delegation of authority and responsibilities to appropriate Title VI personnel;
- d) The Agency Title VI Program Coordinator;
- e) Policy signed by the Chief Administrative Officer;
- f) Policy statement circulated throughout organization and made available to the public;
- g) List of all relevant federal statutes, regulations, executive orders, and other legislation;
- h) Provide the "Notice to the Public" and a list of locations where it is posted.

**2. Subrecipient Title VI organization and staffing information, including:**

- a) Identification of the Title VI Coordinator and program area;
- b) Description of the Civil Rights Title VI Coordinator showing relation to the top executive, as shown on an organizational chart;
- c) Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.

**3. Federal-aid program emphasis areas, including:**

- a) Description of program areas;
- b) Legal/operational authorities;
- c) Title VI compliance monitoring responsibilities for each area.

**4. Title VI Standard Assurances and Appendices (DOT Order 1050.2)**

**5. Data collection procedures**

- a) Describe how the organization collects data;

- b) Describe what data is collected;
- c) Describe how the data is analyzed;
- d) Describe how often data is collected;
- e) Describe how the data is related to the different program areas: For example: in the case of a subrecipient's public outreach department, what data is collected from public meeting participants; how it is used to proactively evaluate public outreach opportunities under Title VI (race, color, national origin, sex, disability, low income status and limited English proficiency).

**6. Complaint procedures, including:**

- a) Process for filing complaints and provide complaint form;
- b) Description of investigative process;
- c) Responsible agency staff;
- d) Time limits to submit complaints and complete investigations;
- e) Provide investigative reports to ADOT CRO within 60 days of receipt of the complaint.

**7. Annual Goals and Accomplishment Reports**

- a) Number of program area reviews conducted, results of the review, actions taken and actions planned;
- b) Number and type of compliance reviews conducted for subcontractors/consultants;
- c) Title VI related training provided for agency staff and subcontractors/consultants;
- d) Summary of Title VI complaints filed with the agency;
- e) Number of compliance reviews planned for the upcoming year;
- f) Outcome of analyzed data for each department reviewed.

**8. Complying with Limited English Proficiency Requirements**

- a) Provide an LEP Plan;
- b) Description of how the agency reaches populations with LEP;
- c) Describe how the agency uses the four factor analysis for each program.

**9. Environmental Justice**

- a) Describe the process by which Environmental Justice requirements are met;
- b) Describe how the agency is collecting minority (race) and low income population data, in addition to other nondiscrimination population data;
- c) Examples of outreach events for underserved populations.

**10. Training Procedures**

- a) Describe how and when members of the agency are trained on Title VI program requirements and responsibilities;



- b) Include procedures as to how and when training will be conducted for other stakeholders.

## **Title VI Requirements for Local Public/Self-Administered (LPAs) Agencies of Federal Highway Funds:**

---

The CRO has oversight within the state of an additional 15 counties, approximately 90 cities and towns and 22 Indian tribes (21 reservations) that have the potential to become a LPA.

As recipients of federal financial assistance, LPAs must provide ADOT CRO with the following methods of administration prohibiting discrimination, including, but not limited to the following in order to be eligible and to demonstrate evidence of compliance to receive federal funds from ADOT:

- A. Coordinate a high/low risk-based review process on programs and activities covered by Title VI;
- B. Designate a responsible point of contact to coordinate Title VI efforts;
- C. Provide the “Notice to the Public” including a list of locations where it is posted;
- D. Process to collect demographic data on their programs and activities;
- E. Procedures to route Title VI complaints
  - a. Complaint form to receive FHWA Title VI complaints;
- F. Title VI Standard Assurances and Appendices (DOT Order 1050.2);
- G. Training Log
  - a. A process to log all FHWA Title VI training to the LPA employees.

## **7. TITLE VI TRAINING**

The CRO implements a required annual Title VI/Nondiscrimination Training Program for all ADOT staff, consultants and contractors and an annual Title VI Training Program for subrecipients.

ADOT’s training component for staff is composed of four levels of training of varied intensity and content. Past training has included topics such as methods for identifying and eliminating complaints of discrimination, understanding and applying Title VI regulations and identifying elements of Title VI compliance within program areas.

1. Director and Division – This training will occur annually and function as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges. These trainings will also be conducted at one on one staff meetings with the Director and or Division leadership.
2. Federal Program Area Staff – This training will occur annually and, more specifically, will be tailored to the specific functions and major challenges of each federal program area for Title VI compliance.
3. Title VI Liaison Level – This training is conducted quarterly and is intended to provide liaisons with an opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. It is also an opportunity to provide individualized training related to Title VI/Nondiscrimination requirements and how to apply the

requirements to the specific federal program area. The training provided to the liaisons is intended to be a trickle-down approach for dissemination to staff under the liaisons.

4. All staff/new staff- Annual Title VI training is mandatory for all ADOT employees. The available online training includes an independent study of viewing of elements contained in ADOT's Title VI Nondiscrimination Program, and reviews Title VI, ADA, EJ, and LEP requirements, complaint routing processes, and an emphasis on "knowing their role" as an ADOT employee to ensure nondiscrimination in activities and services provided to the public. Title VI training records for all ADOT employees are stored in ADOT training files and accessible to CRO.

The Title VI Training Program for subrecipients is composed of two levels of training of varied intensity and content.

1. MPOs, COGs, and CAs will be chosen annually to receive an on-site compliance review, which will be followed by training; content of the training is tailored to address the issues/challenges facing each subrecipient. A mandatory annual Title VI training will also be conducted by CRO.
2. LPAs will receive Title VI training at the onset of receiving FHWA funds from ADOT. Additional training will be identified from desk reviews conducted by CRO to ensure that each subrecipient is afforded an opportunity to receive a Title VI training session at least every three years.

## 8. COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, amended and the Civil Rights Restoration Act of 1987 as they relate to any program or activity administered by ADOT, its subrecipients, consultants, and/or contractors. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel. On Non-FHWA funded programs and activities, every effort will be made to resolve complaints informally by ADOT and subrecipient level.

### Procedures

1. All complaints against ADOT or FHWA Subrecipients in FHWA-funded programs and activities will be referred to the FHWA Division Office for processing.
2. Information on the FHWA's HCR complaint process can be found here:  
<https://www.fhwa.dot.gov/civilrights/file/>.
3. All other complaints filed against ADOT programs not funded by FHWA fall under ADOT's authority and jurisdiction for investigation.
4. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, disability, or retaliation may file a formal complaint with ADOT's CRO. A copy of the Discrimination Complaint Form may be accessed electronically at:  
<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-complaint>.

5. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
6. The complaint must be signed by the complainant and shall include:
  - The complainant(s) name, address and phone number;
  - A detailed description of the alleged incident that led the complainant to believe discrimination occurred;
  - The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued;
  - The names and job titles of the parties involved in the complaint;
  - The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, disability, or retaliation);
  - Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations; and
  - The corrective action being sought by the complainant.
7. Complaints may be filed by one of the following methods:
  - By completing and signing the Complaint Form and delivering it in person or by mail;
  - By emailing or faxing the Complaint Form and sending the signed original to the CRO;
  - By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, and signature; or
  - By electronically submitting and digitally signing the Complaint Form.
8. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information. Within five (5) calendar days, CRO will acknowledge receipt of the complaint and the intended course of action.
9. For acceptance, a complaint must be:
  - In writing;
  - Timely filed;
  - Involve a covered basis (i.e., race, color, national origin, disability, or retaliation); and
  - Within ADOT's authority.
10. Complaints may be dismissed if the complainant:
  - Requests the withdrawal of the complaint;
  - Fails to respond to repeated requests for additional information;
  - Fails to cooperate in the investigation; and
  - Cannot be located after reasonable attempts to reach the complainant have been made.
11. ADOT CRO will maintain a confidential log of all accepted and/or forwarded Title VI Complaints which will include:
  - Name of complainant(s);
  - Date the complaint was received;
  - Date of the allegation;
  - Description of the alleged discrimination;
  - Other relevant information, as needed;

- Report date;
  - Recommendations; and
  - Outcome/Disposition.
12. Upon accepting a complaint, the CRO investigator will:
- Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response; and/or
  - Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information.
13. Within 45 calendar days of accepting a complaint, an ADOT Investigator will:
- Gather all relevant information in a fair and impartial manner;
  - Conduct interviews of all concerned parties; and
  - Prepare a final investigative report with a recommended disposition.
14. Upon final determination, one of two letters will be issued to the complainant:
- A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed; or
  - A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
15. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. Complainants may file a complaint directly with the USDOT agencies listed below:
- US Department of Transportation, Federal Highway Administration, Arizona Division 4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012;
  - US Department of Transportation, Federal Aviation Administration 800 Independence Ave. SW, Washington, DC 20591;
  - US Department of Transportation, Federal Motor Carrier Safety Administration 1200 New Jersey Ave. SE, Washington, DC 20590;
  - US Department of Transportation, Federal Transit Administration FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590; and
  - US Department of Transportation, National Highway Traffic Safety Administration 1200 New Jersey Ave. SE, Washington, DC 20590.

For questions or to file a complaint, please contact:

ADOT Civil Rights Office  
 Felicia Beltran or Krystal Smith  
 ADA/Title VI Nondiscrimination Program Coordinators  
 206 S. 17th Ave.  
 Phoenix, AZ 85007  
 Phone: (602) 712-8946

If information is needed in another language, please contact ADOT's CRO at (602) 712-8946. Si se

necesita información en español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al (602) 712-8946.

## 9. COMPLIANCE AND ENFORCEMENT PROCEDURES

### A. Subrecipient Compliance Review Process - MPOs, COGs, CAs

ADOT is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI. ADOT and its subrecipients of federal-aid funds must ensure that all of its programs and activities are operated in a nondiscriminatory manner.

ADOT CRO requires subrecipients to provide an updated Title VI Implementation Plan and Goals and Accomplishments Report, on an annual basis, in order to document their Title VI compliance efforts and progress. The annual report should list all of the accomplishments the subrecipient has achieved in the area of Title VI, such as program area reviews, training, and processing of Title VI complaints, as well as the plans to accomplish in the upcoming year in relation to their Title VI program. Yearly reports are analyzed and categorized based on a high/low risk assessment. After yearly high/low risk assessment, the CRO will conduct compliance reviews of selected CAs, MPOs and COGs, and other subrecipients of federal financial assistance to determine the level of compliance with Title VI requirements. ADOT's annual goal is to conduct subrecipient compliance reviews of at least 20% of its subrecipients. The subrecipient compliance reviews will:

1. Ensure compliance with Title VI.
2. Provide technical assistance in the implementation of the Title VI program.
3. Correct deficiencies, when found to exist.

#### **High/Low Risk Assessment for MPOs/COGs/CAs compliance reviews:**

- Deficiencies identified within an initial Implementation Plan submittal
- Deficiencies identified in the Goals and Accomplishments Report
- Date of last on-site review conducted
- Demographic data collection and analysis
- Complaints received

#### **Notification**

1. Subrecipients will be notified by the CRO within 30 calendar days of the upcoming Title VI On-site Compliance Review via DocuSign.
2. A week prior to the on-site review, a reminder will be sent to discuss agenda, logistics, expectations of the onsite visit, and to request policies, procedures and sample documents for a desk audit.

Once identified for a comprehensive Title VI On-site Compliance Review, a letter will be sent via DocuSign to the agency's Director, Title VI Nondiscrimination Program Coordinator, Civil Rights Administrator,

Deputy Civil Rights Administrator, Title VI Program Manager, ADOT's LPA Group (for a CA agency) or MPO/COG oversight group. The letter will state:

- Date for the Title VI On-site Compliance Review, 35 calendar days following the date of the notice letter;
- Date for all internal policies, procedures and Title VI Onsite Questionnaire to be submitted to the CRO, no less than 30 calendar days from the date of the letter; and,
- Title VI On-site Compliance Review process.

Contents of Title VI On-site Questionnaire submitted to CRO:

1. Data collection methods;
2. Sampling contracts to ensure inclusion of required nondiscrimination provisions;
3. Sampling of public involvement material including meeting notices, project flyers, and other public documents demonstrating LEP compliance;
4. Environmental justice efforts in project planning;
5. LEP efforts;
6. Policy updates/ changes;
7. Title VI complaints if any were received by the program area;
8. Leadership changes.

Two weeks prior to an on-site review the below items are reviewed by CRO:

1. Annual Goals and Accomplishments Report;
2. Title VI Nondiscrimination Plan;
3. Title VI On-Site Compliance Review Questionnaire.

### **On-site Review**

1. CRO will review training efforts and the number of complaints reported if any in the subrecipient's required annual goals and accomplishment report or through the Title VI On-site Questionnaire submitted.
2. At on-site reviews, CRO staff will conduct staff interviews and discuss reporting and data collection/analysis practices, review two FHWA-contracts for Assurances, take a photos of their nondiscrimination notices to the public, review public notification practices, examine public participation practices, discuss LEP and EJ efforts, examine efficiency of Title VI complaint procedures and make verbal and written recommendations toward best practices.

### **Deficiencies**

If deficiencies are found:

3. Within 30 calendar days of the onsite review, deficiencies will be documented in a report provided to the agency's director, Title VI Nondiscrimination Program Coordinator, Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Program Manager, ADOT's LPA Section or MPO/COG program.
4. By expectation, the subrecipient should correct all deficiencies within a reasonable time period, not to exceed 90 calendar days of receipt of the report.

5. Within 30 calendar days of report mailing, a meeting must be scheduled to discuss possible technical assistance and an action plan towards full compliance.
6. Outstanding high priority vital items, such as signed Title VI assurances, will be submitted within 30 calendar days of report mailing.
7. Subrecipient will be asked to submit a formal action plan within 45 days of report mailing.
8. Within 90 calendar days, the subrecipient MUST be fully compliant on outstanding deficiencies.
9. If not compliant, ADOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

### **No Deficiencies**

If no deficiencies are found:

1. A formal letter of full compliance will be provided to the agency's Director, Title VI Nondiscrimination Program Coordinator, Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Program Manager and ADOT's LPA Section or MPO/COG program within 30 calendar days of the onsite review along with a report of findings.
2. The report of findings may still provide recommendations for strengthening the subrecipient's Title VI Program.

### **Follow-up Monitoring**

The subrecipient will continue to be responsible to submit annual FHWA Title VI reports to the ADOT CRO. The CRO will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **B. Subrecipient Compliance Review Process - Local Public/Self-Administered Agencies (LPAs)**

### **High/Low Risk Assessment for LPAs compliance reviews:**

On an annual basis CRO will run the following high/low risk assessment to select desk reviews LPAs. ADOT's goal is to conduct annual desk reviews of 20% of the active LPAs. The CRO will work with the LPA's designated point of contact to facilitate and report desk review findings.

### **High/Low Risk Assessment for LPAs Desk Reviews:**

- Funding amount and type;
- Complaints received;
- Length of time between reviews.

Desk reviews will include the following elements:

- Review that vital documents are translated for LEP persons;
- Demographic data collection and analysis;
- Title VI dissemination efforts;

- Review Title VI training records.

### **Deficiencies**

If deficiencies are found:

1. Within 30 calendar days of the desk review, deficiencies will be documented in a report provided to the agency's director, ADOT's LPA Section, ADOT Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Nondiscrimination Program Coordinator and the Title VI Program Manager.
2. By expectation, the LPA should correct all deficiencies within a reasonable time period, not to exceed 90 calendar days of receipt of the report.
3. Within 30 calendar days of report mailing, a meeting must be scheduled to discuss possible technical assistance and an action plan towards full compliance.
4. Outstanding high priority vital items, such as signed Title VI assurances, will be submitted within 30 calendar days of report mailing.
5. The LPA will be asked to submit a formal action plan within 45 calendar days of report mailing.
6. Within 90 calendar days, the LPA must be fully compliant on outstanding deficiencies.
7. If not compliant, ADOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

### **No Deficiencies**

If no deficiencies are found:

1. A formal letter of full compliance will be provided, within 30 calendar days from the desk review to the agency's director, ADOT's LPA Section, ADOT Civil Rights Administrator, Deputy Civil Rights Administrator, Title VI Nondiscrimination Program Coordinator and the Title VI Program Manager.
2. The report may still provide recommendations for strengthening the LPA's Title VI compliance program.

### **Follow-up Monitoring**

CRO will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **10. LIMITED ENGLISH PROFICIENCY**

The Arizona Department of Transportation (ADOT) in the course of routine business matters related to its programs and activities will make efforts to effectively communicate with all members of the public. Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. ADOT's LEP Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.



## Authorities

The following matrix illustrates the authorities that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible persons
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons' federally-funded programs with meaningful access to services using factor criteria under federally-funded programs
Annual Accomplishments and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

## Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various ADOT Program Areas.

Each program area will be responsible for conducting a Four Factor Analysis and ensuring compliance with LEP requirements on a project-by-project basis. Quarterly, ADOT Program Area Title VI Liaisons will provide CRO documentation of Four Factor Analysis conducted on a project-by-project basis. The CRO will conduct a secondary examination to ensure accuracy and consistency of the application of the Four Factor analysis, and provide feedback if required. On a quarterly basis CRO will also analyze Four Factor results to identify potential disparate impacts to be addressed with the program area. Lastly the CRO reviews all Title VI Meeting Summaries required to be submitted within two weeks by program areas who have convened a public meeting to ensure compliance with ADOT's LEP Plan.

<b>Activity</b>	<b>Responsibility ADOT Division / Program</b>	<b>Title VI Program</b>
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis). <b>Recommended table to be used: B16001 "language spoken at home by ability to speak English for population 5 years and over" from the 5 year American Community Survey.</b>	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	

3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

**Program Areas will use the below LEP Four Factor Analysis**

**Factor 1:** Identify the number and proportion of LEP persons served or encountered and eligible for service population by the ADOT Program/Project

**Factor 2:** Identify the frequency in which LEP persons encounter the ADOT Program/Project

**Factor 3:** Identify the nature and importance of program, activity, or services provided by the ADOT Program/Project

**Factor 4:** Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project

**AGENCY LEP FOUR FACTOR ANALYSIS**

(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

In developing this plan; ADOT undertook a U.S. Department of Transportation Four-Factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services.

Based on data collected from the U.S. Census for Arizona, Spanish and Navajo are identified as the top LEP languages of persons likely to be served by an ADOT program, service or activity. Additional LEP languages may be identified through Four-Factor Analyses conducted on a project -by-project basis.

- 2) The frequency with which LEP persons come in contact with ADOT programs and services.

ADOT program areas identified to have the highest public interactions are listed below:

- Motor Vehicle Division
  - Customer Service Program
  - Specialty Registration and Licensing Program
  - Division Operational Support Services
  - Commercial Licensing Program
  - Regulatory (Third Party Program)
- Communications
  - Community Relations
  - Public Information
- Enforcement and Compliance Division

- Office of Inspector General
  - Enforcement Services Program
- Executive Hearing Office
- Business Operations
  - Civil Rights Office
  - Human Resources
  - Employee and Business Development Office
  - Audit and Analysis
  - Administrative Services Division
    - Procurement
    - Grand Canyon National Park Airport
- Infrastructure Delivery and Operations Division (IDO)
  - Engineering Consultant Section
  - Construction Group and Materials
  - Contracts and Specifications
  - Local Public Agency
  - Joint Project Agreement Section
  - Environmental Planning Group
  - Right of Way
  - Project Management Group
  - Public Private Partnership (P3) Initiatives
  - Multimodal Planning Division
    - Aeronautics
    - Transit
    - Major Projects
    - Grant Coordination
    - Research
    - Transportation Analysis
    - Planning and Programming
    - Tribal Planning and Coordination
    - Safety
    - Administrative Functions
- Transportation Systems Management and Operations (TSMO)
  - Systems Maintenance
  - Emergency Management
  - Traffic Maintenance
  - Geospatial Analysis

3) The nature and importance of the program, activities or services provided by ADOT to LEP persons.

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, ROW, environmental planning, community relations and public information are among the most important and likely to have the highest LEP interactions.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to continue to provide alternative and meaningful language formats to all LEP persons. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

4) The resources available to ADOT and overall cost to provide LEP assistance.

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT displays Title VI Nondiscrimination Notices in both English and Spanish in conspicuous locations within its facilities, public rest areas, and at public meetings both in-person or virtual. Additionally, Title VI/ADA Complaint Procedures, and Title VI Informational brochures are distributed by program areas that come into contact with the public in both English and Spanish. Nondiscrimination language in both English and Spanish is also displayed on external notices/communications to the public to request language assistance. ADOT will continue to use available resources, both internal and external, to accommodate reasonable requests for translation and interpretation services free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified the following resources for LEP:

- 1) List containing direct contact information for ADOT staff who have volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison and will be published on the ADOTNet under the "FHWA Title VI Liaison Resources" tab as an internal employee resource.
- 2) Program areas that have contact with the public will use the U.S. Census "I Speak" language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 3) Use of web based translation and telephonic interpretation services under contract with ADOT, when required.
- 4) Each program area maintains a list of translation and interpretation services for use, when required.
- 5) All ADOT program areas procure interpretation and or translation services through the Arizona Procurement Portal (APP) which lists ADOT "on-contract" interpretation and or translation vendors.

ADOT makes the below Title VI information available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public
- 2) Complaint Procedures
- 3) Complaint Form

- 4) Title VI Informational Brochures
- 5) Self-identification Cards to voluntarily collect demographic data
- 6) Outgoing voice message for CRO's main phone line

### **DOT Safe Harbor Stipulation**

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that "Speaks English less than very well" by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less, of the population to be served) ADOT must provide translation of vital documents (e.g., Notice of Nondiscrimination, Complaint Procedure and Complaint Form) in written format for LEP persons.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, If a language does not mean the Safe Harbor Threshold, and a document is not considered "vital", then a written translation would not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

### **CONCLUSION:**

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT's commitment to nondiscrimination or to request additional information about LEP services, contact Felicia Beltran, Title VI Nondiscrimination Program Coordinator at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov), 602-712-8946.

### **LEP Guidance and Resources**

The guidance documents and the resources listed below are provided to assist ADOT's program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)

- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001](#)
- [United States Census 2010 Language Identification Flashcard](#)
- [LEP.gov website](#)

## 11. ACRONYMS

**ADA** – Americans with Disabilities Act  
**ADOT** – Arizona Department of Transportation  
**BECO** - Business Engagement and Compliance Office  
**CA** – Certificate of Acceptance  
**CAG** – Central Arizona Association of Governments  
**CE** – Categorical Exclusions  
**COG** – Council of Governments  
**CNS** – Contracts and Specifications  
**CRO** – Civil Rights Office  
**CYMPO** – Central Yavapai Metropolitan Planning Organization  
**DBE** – Disadvantaged Business Enterprise  
**EA** – Environmental Assessments  
**ECS** – Engineering Consultants Section  
**EIS** – Environmental Impact Statements  
**EJ** – Environmental Justice  
**EO** – Executive Order  
**EP** – Environmental Planning  
**FAA** – Federal Aviation Administration  
**FAHP** – Federal Aid Highway Program  
**FHWA** – Federal Highway Administration  
**FMCSA** – Federal Motor Carrier Safety Administration  
**FMPO** – Flagstaff Metropolitan Planning Organization(Metro Plan)  
**FMSG** – Facilities Management and Support Group  
**FONSI** – Finding of No Significant Impact  
**FTA** – Federal Transit Administration  
**IDO** – Infrastructure Delivery and Operations Division  
**IP** – Implementation Plan  
**LHMPO** – Lake Havasu Metropolitan Planning Organization  
**LEP** – Limited English Proficiency  
**LPA** – Local Public Agency  
**MAG** – Maricopa Association of Governments (Phoenix metro area)  
**MPO** – Metropolitan Planning Organization  
**MVD** – Motor Vehicle Division

**NACOG** – Northern Arizona Council of Governments  
**NEPA** - National Environmental Policy Act  
**NHTSA** – National Highway Traffic Safety Administration  
**OJT** – On-the-Job Training  
**P3** – Public Private Partnership  
**PAG** – Pima Association of Governments (Tucson metro area)  
**PIP** – Public Involvement Plan  
**RFQ** – Request for Qualifications  
**ROD** – Record of Decision  
**ROW** – Right of Way  
**SCMPO** – Sun Corridor Metropolitan Planning Organization  
**SEAGO** – Southeastern Arizona Governments Organization  
**STIP** – State Transportation Improvement Plan  
**SVMPO** – Sierra Vista Metropolitan Planning Organization  
**TIP** – Transportation Improvement Plan  
**Title VI Plan** – Title VI Nondiscrimination Implementation Program Plan  
**TSMO** – Transportation System Management and Operations  
**URA** – Uniform Relocation Assistance  
**USDOT** – United States Department of Transportation  
**WACOG** – Western Arizona Council of Governments  
**YMPO** – Yuma Metropolitan Planning Organization

## 12. AUTHORITIES

### **Pertinent Nondiscrimination Authorities**

[Title VI of the Civil Rights Act of 1964](#)  
[The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#)  
[49 CFR Part 21](#)  
[23 CFR Part 200](#)  
[USDOT Title VI Order 1000.12C](#)  
[USDOT Order 1050.2A](#)  
[The Civil Rights Restoration Act of 1987, \(PL 100-209\)](#)  
[The Age Discrimination Act of 1975](#)  
[504 of the Rehabilitation Act of 1973](#)  
[Titles II Americans with Disabilities Act](#)  
[Title III Americans with Disabilities Act](#)  
[Federal Aviation Administration’s Nondiscrimination Statute](#)  
[Executive Order 12898](#)  
[Executive Order 13166](#)  
[Section 162 \(a\) of the Federal-Aid Highway Act of 1973](#)